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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3101 OF 2006
IN
WRIT PETITION NO. 1908 OF 2005

Grip Tools Pvt. Ltd. ... Applicant

V/s

1. Maharashtra General Kamgar Mahasabha; & ors. ... Respondents

Mr. K.S. Bapat for the applicants.

Mr. N.M. Ganguli for the respondents.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 21ST APRIL, 2007.

P.C.:

1. By this application, the petitioner has sought direction to set aside the order passed on 20.12.2005 by the Deputy Registrar of this Court dismissing the petition of the applicant herein for default.

2. By an order dated 24.11.2005, the applicant was directed to serve all the unserved respondents within three weeks from that date failing which the petition was to be automatically dismissed.

3. Apparently, the Bailiff’s report indicates that the respondents had been served. The report has been filed on 12.12.2005 indicating that the respondents had been served on 8.12.2005. The period of three weeks from 24.11.2005 expired on 15.12.2005. Therefore there is an obvious mistake in the calculation made by the Deputy Registrar.

4. For the reasons mentioned in the civil application, the civil application is allowed in terms of prayer clause (a) and stands disposed of.

5. Place the writ petition on board after vacation.

(SMT. NISHITA MHATRE, J.)